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## JAMES BARR AMES — HIS LIFE AND CHARACTER.

JAMES BARR AMES was born in Boston on June 22, 1846. He was a pupil in the Boston Latin School, entered Harvard College in 1863 with the class of '67, and at once took a high stand in his class. At the end of two years his health failed, and during the year 1865-66 he lived on a farm in New Ipswich, New Hampshire, reveling in the farm-work which all his life he dearly loved. He returned to college with his health thoroughly re-established, and graduated with the class of '68, having succeeded in maintaining the highest rank in the class-room, on the ball-field, and in the esteem of his class-mates. After two years spent in traveling and in teaching he returned to Harvard and entered the Law School. Langdell had just been made Dean, a regular course of study and examination for the degree had just been introduced, and Part I of the first case-book, Langdell's Cases on Contracts, was presented to the students. The use of this book was a touchstone of intellectual ability. To the great majority of the class it was mere folly; they wished to learn the law as the older professors in the school had settled it to be; and they felt sure that no way was easier, quicker, or surer than that of listening while these professors told them. Langdell's courses were soon practically deserted by all except a few devoted admirers, whose distinguished career at the bar and on the bench has justified their choice. The most devoted of all, and the one whose devotion was most effective in securing the success of the new method, was Ames. He was an indefatigable worker in the school, as throughout his life. He studied faithfully not only Langdell's courses but those of the other teachers as well. He was active and earnest in the work of his law club. He was at the same time an instructor in modern languages, and gave a considerable part of his time to teaching: six hours a week in his first year, and twelve hours a week in his second. He stayed in the school for a graduate year, and at the same time taught two courses in history in the college, — a history of England in the seventeenth century and a history of mediæval institutions.

At the end of this year he was appointed assistant professor of law. It was an utterly new experiment to appoint a young man to such a position. Teachers of law had always been mature men with many years' experience in the actual practice of the profession. He had, as President Eliot said, unusual qualifications, "for he was not only distinguished as a student, both in college and in the Law School, but has had more than two years' experience as a teacher in the college." The experiment was successful; but on March 26, 1877, a year and a half before the end of his term, Ames resigned. Two reasons led to this step: it had been stated that the corporation would appoint no one to a professorship of law who had no experience in practice, and he had no desire to remain an assistant all his life; and besides this, family reasons made it necessary for him to obtain a larger income. He determined to establish himself in practice in the new southwest. The corporation could not let so successful a teacher leave its service, and he was appointed to a full professorship of law on June 25, 1877. He served the University as assistant professor and professor of law without a year's interruption by leave of absence for over thirty-six years. In 1895 he succeeded Langdell as dean of the faculty.

Neither his scholarship nor his skill in teaching came to him as a brilliant endowment of nature. He was earnest, patient, and thorough, and it was these qualities that gave him power as a scholar. He made a profound study of the Year Books and other early books, not to fill his mind with dry-as-dust information, but to learn from the earlier and simpler law what are the fundamental principles and conceptions out of which the present law has grown; and no man has excelled him in mastery of these fundamental principles. He taught a wide range of subjects during the thirty-six years of his service; in fact, he taught fully one-half the courses now offered in the school. He thus acquired a store of analogy, and ability to follow a principle through its widest applications. There were few topics of the law with which he was not familiar; and those few he hoped at some time to investigate. He often said that he meant sometime to teach property, criminal law and the conflict of laws, in order to complete the round of his studies. But with all his knowledge of legal principle he did not neglect a minute and patient study of the decisions of the present day. For years he examined each number of the National Reporter System as it appeared, and noted every case

in which he was interested on a slip of paper. The accumulations of the last year or two now fill several drawers of his study desk. This habit of examining decisions gave him a familiarity with current law which lawyers in active practice sometimes fondly believe can better be secured at the bar; he was a master of the actual condition of the authorities. His colleagues frequently remonstrated with him for spending so much time in merely collecting authorities and printing them in notes; but he said that they were on his mind, and he must print them to get rid of them.

By these methods he grew in scholarship; and what he had himself mastered he taught his younger colleagues as well as his pupils. It was his singular patience in the discussion and exposition of legal principles with his colleagues that has created in Cambridge what we may fairly claim to be a school of legal thought as well as a law-school. His thoroughness of historical training, his breadth of study, his mastery of modern authority, gave him a readiness in the use of his knowledge. He always had his learning in hand. He could discuss a question fully, and after dropping it take it up again a year or five years later with an immediate and perfect familiarity with the whole question. No difficulty could be raised which he did not think out to the end. He would come into the stack of the school the next day, or the next week, with a solution which he had thought out in bed, or while he was running to luncheon, and the discussion was resumed. He was our teacher as well as our dear friend until the day of his death; he made the stack of Austin Hall a place of delight for us, and it was with bitter regret that we left it for the lonely wastes of Langdell Hall, and the daily colloquies with our master became a tender memory.

But the work that he did as head of the school and friend of the students was the real expression of his genius. For his students he gave freely and absolutely of his time and thought, and he refused to keep office hours because he preferred to be accessible at every moment. His chief regret in leaving Austin Hall for Langdell was the difficulty it put in the way of easy access for the students to the professors. He refused to give up any detail of administration into the hands of a secretary if it would prevent his personally talking to a student concerned. In the last years the interruptions were so constant that he could hardly find a minute between nine o'clock and five for his own work. This was a hardship, for he loved his work, and

had much to do. He always looked forward to the time when he had finished just the little case-book he was at work upon, so that he might devote his time to partnership, to trusts, and above all, to legal history; he hoped to write on them, he said, before he set out on the long journey. He promised his colleagues again and again to give up the making of case-books and get down to serious work — after just one more. But in spite of this desire for serious scholarly work, he gave up his time without a murmur, deliberately and understandingly, to his administrative tasks. He chose to be the friend of his pupils rather than the great author he might have been; and to elevate the character of the bar by the example of an upright life filled full of the spirit of equity and love rather than by writings that should illuminate the science of law. Once when he had a serious and important piece of work to do in haste, and had spent the entire morning in unnecessary interviews with students, he went so far as to call it a morning wasted; but almost before the words were spoken he corrected himself, "No, not wasted; put to the very best use."

His perfect adaptation to this great work came gradually. In the first ten years of his teaching he was merely the youngest in a faculty of esteemed teachers. His readiness to see and talk to the students was just beginning to make him their first friend when the founding of the HARVARD LAW REVIEW gave him a new outlet for his influence. When the projectors of the magazine went to the faculty with their plan they found differing degrees of warmth in the support offered; but Ames approved without reserve, wrote the first leading article, and became the chief adviser and helper of the editors throughout his life. This brought him into the friendly and intimate personal relation with the editors which was one of the greatest pleasures of his life. When he became Dean his personal intimacy with the student body rapidly grew. Whatever his administration as Dean may mean to the bar of the country and to legal education, there is no doubt that to Harvard it meant the coming of a fine personal influence into the life of the students.

His utter devotion to the teaching of law meant that law and the Law School were never out of his thoughts. He himself thought that he had long seasons of rest; not physical rest, certainly, for in summer on his farm at Castine no hired hand worked harder about the daily tasks of the farmer. He loved strenuous physical work as he loved to wrestle with a legal problem or to help a student. But this manner

of life did not mean mental rest, for it was not inconsistent with constant thought and pondering on intellectual problems. Truly, as he said himself, his was an unusually full life, and he had been able to accomplish more than most men; and so for forty years without intermission he devoted himself to the law and the Law School.

He retained his affection for his pupils and his interest in them after their graduation. Few men who have come back to see him can forget the quick-kindling glance of recognition, the firm hand-clasp, and the hearty "Why, how do you do?" He was proud above all of their loyalty to the school, and relied upon it as the final security of our continued prosperity.

He was unalterably opposed to anything like show or display, and refused to advertise the school in any way. When Langdell Hall was opened, and the faculty voted to celebrate the occasion by an oration, he acquiesced and invited an orator; but he was immensely relieved when the orator was unable to come. This quality was an aspect of his personal modesty. Anything which savored of self-praise was most distasteful. He especially objected to the practice of spreading upon the records of a faculty a tribute to a deceased member of it. His earnest and oft-repeated charge prevents the adoption by his colleagues of any minute of his great services to the school and to legal education. The memory of his life and works will be cherished where he would have it — in the hearts of his pupils.

*Joseph H. Beale.*

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By Pach

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James Barr Ames